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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,114	06/26/2003	Nathan C. Thompson	47320.0133	1113
20874	7590	06/14/2006	EXAMINER	
WALL MARJAMA & BILINSKI 101 SOUTH SALINA STREET SUITE 400 SYRACUSE, NY 13202			CHEN, TIANJIE	
		ART UNIT	PAPER NUMBER	
			2627	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/604,114	THOMPSON ET AL.
	Examiner Tianjie Chen	Art Unit 2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 March 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## ***Final Rejection***

### ***Information Disclosure Statement***

1. The information disclosure statement filed 02/24 is acknowledged. However, some US Patent Applications and PCT Patent Applications are recited, which are not considered as reference. It has been placed in the application file, but not considered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8, 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hidano et al (US 5,442,500) in view of Dimitri (US 5,818,723).

Claim 1, Hidano et al shows a magazine-based data cartridge library in Figs. 1 and 2 including: a first portion 2a of a magazine-based data cartridge library including: a first frame 2a at left side that defines a first side; and a first passageway 86 (Fig. 4; column 4, line 66) extending through a portion of the first side; a second portion 2a of a magazine-based data cartridge library including: a second frame 2a at right side that defines a second side; and a second passageway 86 extending through a portion of the second side, a cartridge transport device 82 for moving a data cartridge within the first frame,

moving a data cartridge through the first and second passageways, and moving a data cartridge within the second frame.

Hidano et al does not show that the transport device transports magazine.

Dimitri shows a magazine-based data cartridge library in Fig. 1, wherein a magazine transport device 110 capable of moving a data cartridge magazine among the frames. Dimitri also teaches that this magazine transport device would move the magazines faster thus speed up the processing process (Column 2, lines 28-41). One of ordinary skill in the art would have been motivated to add the magazine transport function onto the cartridge transport device in Hidano et al's device, thus speed up the processing process. In such constructed device, the data cartridge magazine transport device moves data cartridge magazine within the first frame, and moves data cartridge magazine through the first and second passageways, and also moves data cartridge magazine within the second frame.

Claim 2, in thus constructed device, the magazine transport device includes: a magazine picker in Dimitri's Fig. 3; and an elevator in Dimitri's Fig. 5 for moving the magazine picker; wherein the elevator includes a horizontal guide in Hidano et al's Fig. 4.

Claim 3, in thus constructed device, the horizontal guide includes a continuous horizontal guide that extends between the first and second frames in 2b section.

Claim 4, in above constructed device, the horizontal guide includes: a first horizontal section that extends from a first horizontal section (left 2a) first end (right end) to a first horizontal section second end (left end); and a second

horizontal section (right 2a) that extends from a second horizontal section first end (left end) to a second horizontal section second end (right end); wherein the first horizontal section second end is substantially aligned with the second horizontal section first end.

Claim 5, in thus constructed device, the horizontal guide includes: a first horizontal guide section located within the first frame, a second horizontal guide section located within the second frame, and a third horizontal guide section in 2b area extending located at the between the first horizontal guide section and the second horizontal guide section.

Claim 6, in above constructed device, the horizontal guide is substantially linear.

Claim 8, Hidano et al shows a cartridge transport device 82 for moving a data cartridge between a magazine and a drive; wherein the cartridge transport includes the elevator.

Claim 20, Hidano et al shows that the first portion is capable of functioning as a magazine-based data cartridge library without the second portion.

Claim 21, the above constructed Hidano et al and Dimitri's device is includes a method for making a magazine-based data cartridge library including: first providing a magazine-based data cartridge library including: a cabinet; a shelf, located within the cabinet, for supporting a data cartridge magazine; a drive located within the cabinet; a cartridge transport, located within the cabinet, for moving a data cartridge between one of data cartridge magazines and the drive; a magazine transport device, located within the cabinet, for moving one of data cartridge magazines within the cabinet; wherein

the magazine transport device including: a magazine picker; and a guide structure for use in moving the magazine picker within the cabinet; and Hidano et al further shows in Fig. 1, that the cabinet including a side surface that is readily alterable to form a first passageway extending through a portion of the first side surface; and second providing a magazine-based data cartridge library add-on including: an add-on cabinet; wherein the add-on cabinet including a second side surface that is either readily alterable to form a second passageway extending through a portion of the second side surface.

Claim 22, Hidano et al further shows in Fig. 1 that the library inherently provides a replacement guide structure for the guide structure of the magazine-based data cartridge library; wherein when the first passageway of the magazine-based data cartridge library and the second passageway of the magazine-based data cartridge library add-on are aligned, the replacement guide being of a length such that the magazine picker can be moved within the cabinet and the add-on cabinet.

Claim 23, Hidano et al shows in Fig. 1 that the library inherently provides an add-on guide structure for the guide structure of the magazine-based data cartridge library; wherein when the first passageway of the magazine-based data cartridge library and the second passageway of the magazine-based data cartridge library add-on are aligned, the guide of the magazine-based data cartridge library and the add-on guide structure being of a length such that the magazine picker can be moved within the cabinet and the add-on cabinet.

Claim 24, in above constructed device, that the add-on guide structure includes a first add-on guide structure and a second add-on guide structure.

3. Claims 9-19, 25, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hidano et al in view of Dimitri as applied to claim 1 above, and further in view of Hug. et al (US 5,128,912).

Claim 9, in above constructed device, the transport device includes: a first magazine transport device for moving a data cartridge magazine within the first frame; but fails to show a second magazine transport device.

Hug et al shows a transport device in Fig. 1 includes: a first transport device 26 for moving a data cartridge within the first frame 12, and a second magazine transport device 28 for moving a data cartridge within the second frame 14 and within a first space that is within the first frame 12 (Fig. 2; column 5, line 65 to column 3, line 18).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to adapt Hug et al's configuration for the magazine transport device in above constructed device. The rationale is as follow: Hug et al teaches that as a single transport device is used, should that device break down, the entire apparatus becomes inoperative. Moreover, the overall speed is limited to the speed at which the transport mechanism can move between frames (Column 1, lines 27-432). The improved two transport devices system should be able to overcome these problems. One of ordinary skill in the art would have been motivated to apply Hug et al's structure for overcome the mentioned problems.

Claim 10, in above constructed device, the first magazine transport device further for moving a data cartridge magazine within a second space that is within the second frame.

Claim 11, in the above constructed device, the magazine transport device includes: a first magazine transport device moving a data cartridge magazine within the first frame and within space that is located between the first and second frames; and a second magazine transport device for moving a data cartridge magazine within the second frame and within the space that is located between the first and second frames.

Claim 12; Hidano et al and Dimitri's device includes a magazine transport device includes: a first magazine transport device for moving a data cartridge magazine within the first frame.

Hug et al shows a transport device in Fig. 1 includes: a first transport device 26 for moving a data cartridge within the first frame 12, and a second magazine transport device 28 for moving a data cartridge within the second frame 14 and within a first space that is within the first frame 12 (Fig. 2; column 5, line 65 to column 3, line 18).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to add Hug et al's transport devices 26 and 28 into Hidano et al and Dimitri's device and modified for transporting the magazine. The rationale is as follow: Hug et al teaches that as a single transport device is used, should that device break down, the entire apparatus becomes inoperative. Moreover, the overall speed is limited to the speed at which the transport mechanism can move between frames (Column 1, lines 27-432). The improved two transport devices system should be able to overcome these problems. One of ordinary skill in the art would have been motivated to apply Hug et al's structure for overcome the mentioned problems. In such constructed device, three transport devices will all be able to transport magazines.

Such constructed device includes: a second magazine transport device for moving a data cartridge magazine within the second frame; and a third magazine transport device for moving a data cartridge magazine through the first and second passageways.

Claim 13, in above constructed device, the first and second magazine transport devices each move in a plane.

Claim 14, in above constructed device, Hug et al shows that the third magazine transport device includes: a support 44, which have been modified for holding a data cartridge magazine; and means for rotating the support about an axis Y (Fig. 1).

Claim 15, Hug et al shows that the third magazine transport device includes: a support for holding a data cartridge magazine; and means for linearly along the direction 46 (Fig. 1) translating the support.

Claim 16, the added two transport devices from Hug et al are named as the first and second magazine transport devices each rotate about an axis Y (Fig. 1).

Claim 17, as described above, Hug et al shows that the second magazine transport device includes: a support for holding a data cartridge magazine; and means for rotating the support about an axis Y (Fig. 1).

Claim 18, as described above, Hug shows that the second magazine transport device includes: a support for holding a data cartridge magazine; and means for linearly translating the support.

Claim 19, in above constructed Hidano et al and Dimitri's device, the transport devices are able for moving a data cartridge between a magazine and a drive; wherein at least one of the first and second magazine transport devices

includes an elevator; and wherein the cartridge transport device includes the elevator.

Claim 25, the above constructed device includes the step of second providing including providing a first add-on magazine transport device, which also located within the add-on cabinet, for moving a data cartridge magazine within the add-on cabinet.

Claim 26, the above constructed device includes a method including: third providing a second add-on data cartridge magazine device for transporting a data cartridge magazine between the magazine based data cartridge library and the magazine based data cartridge library add-on.

4. Claims 7/2/1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller et al (US 6,813,113) in view of Dimitri (US 5,818,723).

Claim 1, Mueller et al shows a magazine-based data cartridge library in Fig. 2 including: a first portion (upper portion with magazines 20) of a magazine-based data cartridge library including: a first frame that defines a first side; and a first passageway 40 extending through a portion of the first side; a second portion (lower portion with magazines 20) of a magazine-based data cartridge library including: a second frame 2a at that defines a second side; and a second passageway 38 extending through a portion of the second side, a cartridge transport device 36 for moving a data cartridge within the first frame, moving a data cartridge through the first and second passageways, and moving a data cartridge within the second frame.

Hidano et al does not show that the transport device transports magazine.

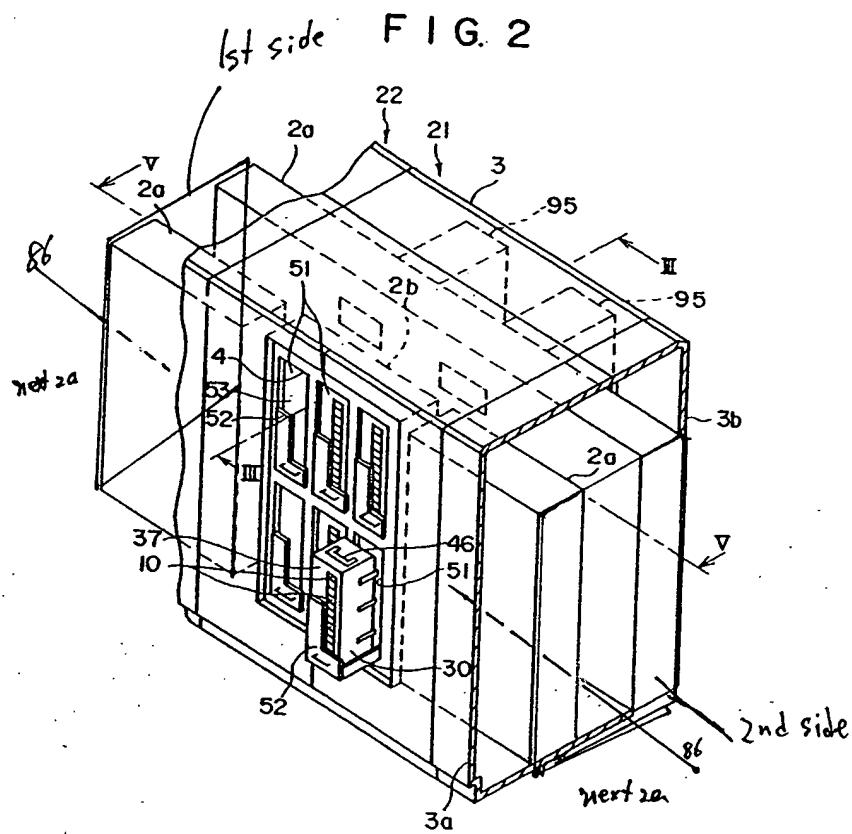
Dimitri shows a magazine-based data cartridge library in Fig. 1, wherein a magazine transport device 110 capable of moving a data cartridge magazine among the frames. Dimitri also teaches that this magazine transport device can move the magazines thus speed up the processing process (Column 2, lines 28-41). One of ordinary skill in the art would have been motivated to add the magazine transport function onto the cartridge transport device in Mueller et al's device, thus speed up the processing process. In such constructed device, the data cartridge magazine transport device moving a data cartridge magazine within the first frame, moving a data cartridge magazine through the first and second passageways, and moving a data cartridge magazine within the second frame. In thus constructed device, the magazine transport device includes: a magazine picker in Dimitri's Fig. 3; and an elevator in Dimitri's Fig. 5 for moving the magazine picker; wherein the elevator includes a horizontal guide in Mueller et al's Fig. 4; and Mueller further shows that the horizontal guide follows a curve at the corner (Fig. 2).

#### ***Response to Arguments***

5. Applicant's arguments filed 03/13/2006 have been fully considered but they are not persuasive.

- Hidano et al does shows that the passageway 86 extending through a portion of the first side (See Fig. 4 and column 4, line 65 to column 5, line 3). The passageway going into left side 2a means it extending through a portion of the first side, so does the second side(See Fig. 2 attached in next page).
- Dimitri shows in Fig. 1 that the magazine transport device 110 can move magazine from first frame (the right 128) to second frame (the left 128).

- In Hidano device, the first portion (left side 2a) is capable of functioning as a magazine-based cartridge library without the second portion (right side 2a).



- Hug shows in Figs 2-4 that it moves cartridge in the arrangement 12 and 14.
- Applicant argues that Muller does not move a data cartridge or magazine within the drawer 16 and magazine 20 but rather to and from accommodating slot in the magazine. It is incorrect. Fig. 2 shows that it

moves the cartridge from the drawers. If as representative argued, how can one exchange the cartridge between the drawer and the magazines.

***Conclusion***

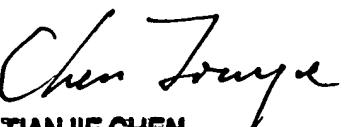
1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**TIANJIE CHEN**  
**PRIMARY EXAMINER**